

# MINUTES

Meeting date: Monday 26 February 2024

## IN ATTENDANCE ONLINE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Suzanne Vestri
- Helen Donaldson
- Anne-Marie O'Hara

Executive Team Members:

- Lorna Johnston (Executive Director)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b> Apologies were received from Richard Wilson, Case Manager.</p> <p><b>DECLARATIONS OF INTEREST</b> No declarations of interest were made.</p>	
2.	<p><b>MATTERS ARISING</b> Members noted that all but one of the matters arising, as noted, were complete. The remaining item concerned an accessibility review of the website. Members noted a quote from the website providers for some of the work was awaited.</p>	
<b>CONSENT ITEMS</b>		
3.	<p><b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and approved the minute of the meeting on 30 January 2024.</p>	
<b>STRATEGIC MATTERS</b>		
4.	<p><b>PROMOTING THE ETHICAL STANDARDS FRAMEWORK AND UPDATE ON OUTREACH WORK</b> Members noted, in particular, that:</p> <ul style="list-style-type: none"> <li>• The Executive Director and Case Manager held a meeting with representatives from COSLA on 1 February 2024 to discuss matters of mutual concern, including those raised by the Local Government, Planning and Housing Committee about concerns raised by elected members to the effect that they can feel restricted by the Councillors' Code in terms of their ability to scrutinise performance. Other matters discussed included a possible presentation by the Standards Commission's at COSLA's Annual Conference and inclusion of articles in its monthly bulletins for elected members.</li> <li>• The Executive Director and Case Manager presented a webinar, with the Improvement Service, on social media on 2 February 2024.</li> <li>• The Executive Director was due to present on the Model Code to Members of the Scottish Environment Protection Agency on 27 February 2024.</li> </ul> <p>Members further noted that the Executive Director and Case Manager were undertaking an online training course on public speaking and communication, aimed at improving communication and providing advice on how best to connect with an audience and handle difficult conversations.</p>	
5.	<p><b>STRATEGIC PLAN 2024/28</b></p>	

	Members noted that, following their agreement on the final content, a design had been applied to the Strategic Plan for 2024/28. The final, designed version would now be published on the Standards Commission's website.	
<b>BUSINESS MATTERS</b>		
<b>6.</b>	<p><b>DRAFT BUSINESS PLAN 2024-25</b></p> <p>Members reviewed the draft Business Plan for 2024-25 prepared by the Executive Team, which had been amended in light of suggestions made at the previous meeting. Members noted the plan was based on the objectives outlined in the draft Strategic Plan for 2024/28 and followed its format.</p> <p>Members noted that any outstanding activities from 2024-25, that the Standards Commission has been unable to action due to time and resourcing constraints, would be added before the Business Plan was finalised.</p> <p>Members identified some further content aimed at providing clarity on how the Standards Commission would measure achievements and outcomes arising from the activities identified. Members asked the Executive Team to incorporate these and references to the Risk Register, before publishing a summary version of the Business Plan on the website.</p>	<b>Executive Team</b>
<b>7.</b>	<p><b>DRAFT RISK REGISTER 2024-25</b></p> <p>Members agreed the content and format of the risks to be included in the Risk Register for 2024-25.</p> <p>Members agreed that Members of the Audit &amp; Risk Committee should suggest current and target scores for each risk, both in terms of potential impact and probability, for consideration and final approval at the next Standards Commission meeting, due to be held on 26 March 2024.</p> <p>Members noted the Audit &amp; Risk Committee would review the Risk Register and the actions taken to mitigate each risk at its meetings in May and July 2024, and January 2025. The Audit &amp; Risk Committee would report on these reviews at the subsequent Standards Commission meetings.</p>	<b>Audit &amp; Risk Committee / Executive Team</b>
<b>8.</b>	<p><b>FINANCE AND PUBLIC ADMINISTRATION'S COMMITTEE'S INQUIRY ON SCOTLAND'S COMMISSIONER LANDSCAPE</b></p> <p>Subject to a minor amendment, Members approved the Standards Commission's response to the Parliament's Finance and Public Administration Committee's call for views, that was to form part of its inquiry into Scotland's 'commissioner landscape'. Members noted that the Standards Commission's response was limited to a description of, and views on, its own experience. Members asked the Executive Team to share the response with the ESC and other Officeholders, before submitting it ahead of the deadline, which was Monday 11 March 2024. Members agreed that the final response should also be published on the Standards Commission's website.</p>	<b>Executive Team</b>
<b>9.</b>	<p><b>ANNUAL REPORT 2023-24</b></p> <p>Members reviewed and agreed the proposed format for the Annual Report for 2023/24, which was due to be laid before the Scottish Parliament before the end of August 2024.</p>	
<b>10.</b>	<p><b>NEW MEMBER / CONVENER RECRUITMENT</b></p> <p>Members noted that the SPCB had advertised the two upcoming Member vacancies, with the closing date for applications being noon on 14 February 2024. Members noted that the Standards Commission had promoted the adverts on its website and social media pages.</p> <p>Members noted that Officeholder Services had reported that a good response had been received and that the SPCB would proceed to determine a shortlist of applicants for interview.</p>	

11.	<p><b>REVIEW OF ENQUIRIES AND SOCIAL MEDIA COMMENTS</b></p> <p>Members reviewed the data on the enquiries received between 1 February and 31 January 2024. Members noted that the data did not include:</p> <ul style="list-style-type: none"> <li>• enquiries from parties or the press about ongoing cases or Hearings;</li> <li>• responses to correspondence or consultations issued by the Standards Commission; and</li> <li>• enquiries from stakeholders about ongoing matters;</li> </ul> <p>as information about these matters are captured and recorded elsewhere.</p> <p>Members noted that the number of enquires received were broadly similar to the preceding year. Members were pleased to note all enquiries were responded to timeously, with a response being provided to 97% of enquiries on either the same day or within one working day, which was well within the timescales outlined in the Standards Commission’s Service Charter.</p> <p>Members noted that a high proportion of enquiries concerned the declaration and registration of interests. Members noted that while the Standards Commission would focus on these aspects of the Codes of Conduct in its educational and training material, the fact that councillors and members of devolved public bodies were seeking advice, or a second opinion, on whether they needed to register and declare interests could also be taken as evidence of a good awareness of the Codes’ requirements.</p> <p>Members further noted the update on the Standards Commission’s social media pages and the engagement with these.</p>	
12.	<p><b>MEMBERS' SELF-PERFORMANCE REVIEW</b></p> <p>Members advised that they had held an initial meeting in February 2024 to evaluate their collective performance.</p> <p>Members advised that they had decided to meet again in mid-March and would provide an update on any decisions made, or actions to be taken in light of the review at the next Standards Commission meeting on 26 March 2024.</p>	
<b>CASES UPDATE</b>		
13.	<p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p><b>(a) LA/AC/3794:</b> Members noted that the ESC had sent a draft breach report to an Aberdeen City Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p><b>(b) NPA/LLT/3892:</b> Members noted that a ‘do neither’ decision had been made on a report received from the ESC about one former and two current members of Loch Lomond and The Trossachs National Park Authority.</p> <p><b>(c) LA/SB/3908:</b> Members noted a report had been received from the ESC about a Scottish Borders Councillor and that they were required to make a decision, under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as to whether to hold a Hearing, direct further investigation or do neither.</p> <p><b>(d) NPA/C/3831:</b> Members noted a report had been received from the ESC about a former member of Cairngorms’ National Park Authority and that they were required to make a decision, under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as to whether to hold a Hearing, direct further investigation or do neither.</p>	
14.	<p><b>CASES</b></p> <p><b>(a) LA/H/3759:</b> Members noted that a Hearing was held online on 6 February 2024. The Respondent was found to have breached the Councillors’ Code and was suspended for one month.</p>	

	<p><b>(b) LA/WL/3698:</b> Members noted that a Hearing was held on 16 February 2024 at West Lothian Civic Centre, Livingston. The Respondent was not found to have breached the Councillors' Code.</p> <p><b>(c) LA/I/3764:</b> Members noted that a Hearing had been scheduled to take place at the Municipal Buildings, Greenock on 13 March 2024. Members noted that the Panel had agreed to an adjournment request from the Respondent and that the Executive Team was in the process of identifying a new date for the Hearing.</p> <p><b>(d) LA/H/3838:</b> Members noted that following an adjournment request from the Respondent, the Hearing was now scheduled to take place online on 2 April 2024.</p> <p><b>(e) LA/AC/3812:</b> Members noted that an appeal had been lodged by the Respondent against a decision made, at a Hearing on 17 January 2024, to find him in breach of the Councillors' Code. The Standards Commission was seeking external legal advice in respect of a defence to the appeal.</p> <p><b>(f) LA/NA/3707:</b> Members noted that North Ayrshire Council had confirmed that it had formally considered a decision the Standards Commission made at a Hearing held on 26 January 2024.</p>	
<b>15.</b>	<p><b>INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS</b></p> <p><b>(a) CSE/3793:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Glasgow Colleges' Regional Board Member had taken more than six months to investigate.</p> <p><b>(b) LA/S/3867:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Stirling Councillor had taken more than six months to investigate.</p> <p><b>(c) LA/G/3872:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Glasgow City Councillor had taken more than three months to investigate.</p> <p><b>(d) LA/DG/3817:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Dumfries and Galloway Councillor had taken more than six months to investigate.</p> <p><b>(e) LA/Fa/3929:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Falkirk Councillor had taken more than three months to investigate.</p> <p><b>(f) LA/G/3919:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Glasgow City Councillor had taken more than three months to investigate.</p>	
<b>16.</b>	<p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b></p> <p>Members noted the feedback received in respect of a recent Hearing that had been held.</p>	
<b>ANY OTHER BUSINESS</b>		
<b>17.</b>	<p><b>ANY EMERGING RISKS</b></p> <p>None identified.</p> <p><b>AGENDA ITEMS FOR NEXT MEETING</b></p>	

	Members agreed to advise the Executive Director of any items to be included in the agenda for discuss at the next meeting.	
<b>18.</b>	<p><b>2023 DIARY DATES AND WORKPLAN</b> Members noted the diary dates and ongoing workplan.</p> <p><b>DATE OF NEXT MEETING</b> Members noted that the next meeting of the Standards Commission was scheduled to take place online on Tuesday, 26 March 2024.</p>	